

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

941 BAIL APPLICATION NO.1768 OF 2023

ROHIT @ RAHUL @ DASTAK SURESH KAPURE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. G.D. Jain
APP for Respondent : Mr. S.B. Narwade

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CORAM : S. G. CHAPALGAONKAR, J.
Dated : October 11, 2023

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PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.437 of 2023 registered with Akkalkuwa police station, District Nandurbar for the offences punishable under sections 307, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. Investigation was set in motion on the basis of the complaint given by Ganesh Pardeshi, who states that on 24.8.2023 at about 3 pm while he was in the Courtyard of his house accused Ganesh Marathi called him at his home. Accused Dastak @ Rohit was present there. It is further alleged that all of them liquored him and thereafter accused Yash @ Ganesh inflicted injury to him using knife. He suffered injuries on his head. It is further alleged that accused Dastak @ Rohit beat him by fist and kicks. Aforesaid information was recorded and culminated into FIR in crime no.437 of 2023 registered with Akkalkuwa Police Station for the offences punishable u/s 307, 323, 504, 506 r/w 34 of the IPC. The

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applicant has been arrested in pursuance of the aforesaid offence on 26.8.2023. The application submitted by the applicant for grant of bail before the Sessions Court has been rejected. Hence, this application.

3. Mr. Jain learned advocate appearing for the applicant would submit that the applicant has been falsely implicated in the aforesaid crime. In fact, the applicant had been to the Court at Nandurbar for attending hearing in S.C. No.58 of 2017. He would submit that even otherwise allegations in the FIR shows that role of the applicant is limited. He is alleged to have beaten the informant by kicks and fist. Allegations of causing bleeding injury is against the accused no.1. Learned advocate appearing for the applicant submit that the applicant is behind bar for more than six weeks. Further detention of the applicant would not be necessary.

4. Learned A.P.P. strongly opposes the prayer. He would submit that the applicant alongwith co-accused were together at the time of the incident. The informant has suffered four injuries. He was hospitalized for that purpose. He further submit that two days before the FIR of the incident, NC was registered against the applicant and co-accused on the complaint given by injured Ganesh. He would further submit that release of the applicant is likely to create hindrance in ongoing investigation. As such, he opposes for grant of bail.

5. Having considered the submissions advanced, apparently, plea raised on behalf of the applicant that he was attending hearing of the case in S.C. 58 of 2017 at the time of alleged incident cannot be considered at this stage. Plea of alibi will have to be raised and proved during the course of the trial. So far as allegations against the applicant is concerned, it is stated that he has given kick and fist blows to the informant. Allegations of causing bleeding injury using knife is against co-accused. It is not alleged that the applicant was holding any weapon in his hand. Perusal of the MLC shows that nature of the injuries is simple. The applicant is behind bar for more than six weeks. Further detention of the applicant may not be necessary. In that view of the matter, case is made out for grant of bail. Hence, the order.

O R D E R

- i. Bail Application is hereby allowed.
- ii. The applicant - ROHIT @ RAHUL @ DASTAK SURESH KAPURE be released on bail in connection with Crime No.437 of 2023 registered with Akkalkuwa police station, District Nandurbar for the offences punishable under sections 307, 323, 504, 506 r/w 34 of the Indian Penal Code on his furnishing P.B. & S.B. of Rs.50,000/- (Rs.Fifty Thousand), on the following conditions :-
 - a] The applicant shall not tamper the prosecution evidence.

- b] The applicant shall not enter village Khapar till filing of the charge-sheet.
 - c] The applicant shall visit the concerned police station once in a week i.e. on every Monday between 10 am to 2 pm till filing of the charge sheet.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR J.)

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